

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JEFFREY ALONZO SIMMS,	§
	§
Defendant Below-	§ No. 625, 2011
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. No. N11M-10-128
Plaintiff Below-	§
Appellee.	§

Submitted: December 5, 2011

Decided: January 19, 2012

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 19<sup>th</sup> day of January 2012, upon consideration of the appellant's opening brief and the State's motion affirm, it appears to the Court that:

(1) The appellant, Jeffrey Simms, filed this appeal from the Superior Court's order, dated October 26, 2011, denying his petition for a writ of habeas corpus. The record reflects that a Kent County Superior Court jury convicted Simms in April 2011 of escape after conviction. He was sentenced to an eight month term of incarceration effective November 10, 2010. In May 2011, the Superior Court in Sussex County sentenced Simms for a probation violation to a six-month period of incarceration. In October 2011, Simms filed a petition for habeas corpus relief, which the Superior Court denied. This appeal followed.

(2) Simms' brief on appeal raises no challenge to the Superior Court's order denying him habeas corpus relief. The brief, in fact, does not relate to either of Simms' underlying cases and appears to challenge a guilty plea in an unidentified matter. Simms, thus, appears to have waived any challenge to the denial of habeas corpus relief. Moreover, even if we could construe Simms' brief to raise a legal challenge to the trial court's ruling, we still would find it manifest that the judgment of the Superior Court should be affirmed. In Delaware, the writ of habeas corpus is very limited and only provides relief to obtain judicial review of the jurisdiction of the court ordering the prisoner's commitment.<sup>1</sup> In this case, both of the Superior Court's sentencing orders were valid on their face, and Simms had been held in custody pursuant to these valid commitments.<sup>2</sup> Thus, there was no basis for a writ of habeas corpus.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>1</sup> *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

<sup>2</sup> DEL. CODE ANN. tit. 10, § 6902(1) (1999). It appears, in fact, that since the filing of his notice of appeal that Simms may have been released from Delaware custody.